

September 7, 2006

Viking Stone Corporation  
P.O. Box 114  
Portsmouth, Rhode Island 02871

Re: Tiverton Zoning Board Appeal, Map 2-9, Plat/Block 92, Card/Lot 1A & 1Z

The following is the decision on your petition heard by the Zoning Board of Review (hereinafter, the "Board") on September 5 & 6, 2006 appealing a decision of the Tiverton Building Official issued on June 13, 2006 that you have exceeded the allowed 25 percent horizontal expansion of quarrying operations permitted on property located at 1635 Fish Road, Tiverton, Rhode Island, at Map 2-9, Plat/Block 92, Card/Lot 1A & 1Z (the "Premises") in a R60 zone.

After the facts were presented to the Board at the public hearing for which due notice was given and a record kept, the Board found that the petitioner showed sufficient evidence that the decision of the Tiverton Building Official issued on June 13, 2006 that you have exceeded the allowed 25 percent horizontal expansion of quarrying operations permitted on the Premises was in part error and in part correct. The Board found the testimony of the Building Official and Mr. Kidd credible that the Card/Lot 1A was not excavated and cannot be included in the amount of excavated surface, pursuant to Article XIV, Section 6. a. of the Tiverton Zoning Ordinance. The Board also found the testimony of Mr. Mello credible that an area of the Premises had been cleared and grubbed sufficient to be included in the amount of excavated surface, pursuant to Article XIV, Section 6. a. of the Tiverton Zoning Ordinance. The Board found the Building Officials decision to exclude this area from the excavated surface of the Premises to have been error.

Based on the foregoing, the Board voted four in favor and one opposed to grant your appeal of the Tiverton Building Official's decision issued on June 13, 2006 that you have exceeded the allowed 25 percent horizontal expansion of quarrying operations permitted. The Board also remanded the matter to the Building Official and instructed him to recalculate the amount of allowable horizontal expansion of quarrying possible on the Premises, consistent with the findings of the Board.

This decision must be recorded in the Land Evidence Records in the Town Clerk's Office. (Please note that the appeal period (20 days) begins only after this decision is recorded and posted with the Town Clerk's Office).

Very truly yours,

David Collins, Chairman  
Tiverton Zoning Board of Review

Recorded 9-8-06  
Book 1094 pages 102